

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Hayden Porter, a/k/a Alyvia Wrathall

Plaintiff,

vs.

Case No. 1:25-cv-00019

Frank Bisignano, Commissioner of Social
Security Administration,

Defendant.

ORDER GRANTING UNOPPOSED MOTION TO REVERSE AND REMAND

[¶1] THIS MATTER comes before the Court on an Unopposed Motion to Reverse and Remand filed by Defendant on June 11, 2025. (Doc. No. 16). Plaintiff filed this action seeking judicial review of the Commissioner’s final decision denying her application for disability insurance benefits and Supplemental Security Income under Titles II and XVI of the Social Security Act. Defendant requests the Court remand this matter to allow the Commissioner to conduct further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and Melkonyan v. Sullivan, 501 U.S. 89 (1991).

[¶2] Section 405(g) permits the remand of a case to the Commissioner for further administrative action. In Melkonyan, 501 U.S. at 97-103, the Supreme Court stated that § 405(g) permits only two types of remand orders. The fourth sentence of § 405(g) authorizes a district court to enter “a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the case for rehearing.” Melkonyan, 501 U.S. at 97-101 (citing 42 U.S.C. § 405(g)). The fourth sentence of § 405(g) further states that the remand order may be entered upon the pleadings and transcript of the record. 42 U.S.C. § 405(g). A sentence six remand is granted before

the Commissioner files an answer or is granted in light of additional evidence upon a showing that there is good cause for failing to incorporate the additional evidence into a prior proceeding. Melkonyan, 501 U.S. at 100-01.

[¶3] A remand for further administrative proceedings, such as the remand requested in this matter, is a sentence four remand within the meaning of 42 U.S.C. § 405(g). See Shalala v. Schaefer, 509 U.S. 292 (1993); see also Sullivan v. Finkelstein, 496 U.S. 617, 625-26 (1990) (sentence four provides the appropriate relief when the evidence on the record is insufficient to support the Commissioner's conclusions and further fact-finding is necessary). A reversal and remand is appropriate here for further administrative proceedings that will require the entry of a judgment that ends the instant action.

[¶4] Accordingly, the Court **GRANTS** Defendant's unopposed Motion (Doc. No. 16). The Court reverses and remands the ALJ's decision for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

[¶5] **IT IS SO ORDERED.**

DATED June 17, 2025.

A handwritten signature in black ink, appearing to read 'D. M. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court